

ISSUE IDENTIFICATION

ISSUE HISTORY

This section of the **New River Area Plan** summarizes the major land development issues raised by the residents of New River.

The first workshop that addressed the *New River Area Land Use Plan* was held on February 12, 1986 at the New River Elementary School. Participants at the workshop identified specific issues and expressed ways to resolve the issues.

Key issues included:

- Preservation of the natural environment, along with enforcing litter laws and eliminating billboards, as key issues

- Maintaining the existing rural lifestyle

- Limiting residential density to a maximum of one unit/acre

- No industrial use

- Limited commercial development

- No mobile homes/recreational vehicles

- No multi-family development or high-rise buildings as key issues

- Bridges need to be constructed over washes

- Upgrading existing roads

- Improve the existing public utilities

- Consider water availability before development occurs.

In May 1990, a second public workshop was held to consider the updated and expanded New River Land Use Plan.

The Land Use Plan was updated and the area expanded. Many people had questions on the new information, such as population projections, public facilities and land use designations. Specific comments were offered opposing the proposed Lakeview (now the Anthem DMP) development, the proposed road to the Desert Hills interchange, spot commercial rezonings, and alleged misuse of the New River Landfill. Other comments were in favor of low-density development, better public facilities and improved roads (**Table 10**).

At meetings held on January 16 and February 24, 1992 residents were concerned about revised population projections and proposed transportation improvements. A committee composed of representatives of the Desert Hills Improvement Association and New River Community Association developed a land use map with many important transportation features. The proposed map showed connections to I-17 along Desert Hills Drive and Honda Bow Road. This map also showed a frontage road between the



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Desert Hills and Pioneer Interchange. Carefree Highway was shown as a six-lane divided highway and an improved New River Road was shown connecting to Lake Pleasant from I-17.

TABLE 10 New River Resident Issue Identification 1986 to 1992

Issue Areas

Environment

Maintain natural ground cover	Maintain All Washes In Area
Preserve Natural Habitat	Limit Ground Water Depletion
Prohibit Billboards	
Enforce Litter Laws	
Landscaping with Drought-Resistant Trees and Shrubs	
Preserve Natural Spring along New River	

Land Use

Maintain Rural Lifestyle	Minimize Open Range
No Spot Zoning	No Heavy Industry/Mining
No Mobile Homes On Hills	No RV/Mobile Home Parks
No Multi-Family or High Rises	Enforce Sign Ordinance
Mobile Homes Restricted to 5 Acre Minimum Lot Size	
Require State to sell only Five-Acre Lots	
Buffer Between Mobile Homes/Conventional Homes	
Strong Enforcement of Zoning Ordinance	
Enforce Hillside Regulations/Low Density	
Encourage Cluster Development for Commercial/Business Development	
Carefree Highway Should Not Be Developed Like Bell Road	
No Development until Plan Is Adopted	
One Unit/Acre Lot Minimum	
Prefer Phoenix Annexation to Other Municipalities if necessary	
Prohibit Radio Towers in the Area	

Transportation

Upgrade/Maintain Roads	Pave County Roads
Construct Bridges Over Washes	Place Bike Trails along Major Rd.
Designate Major Arterials	Connect Honda Bow Rd. to I-17
Connect Pioneer Road and Desert Hills to I-17	
Frontage Rd. between Pioneer and Desert Hills Interchanges	
Eliminate Cattle from Public Highways	
Make Carefree Highway 6-lane divided Road	
Carefree Highway Should Be Designated As Parkway	

Public Utilities

Need Community Center	Need a Post Office
Use Floodplains as Linear Parks	Develop a New River Park
Establish a Green Belt System	Centralize the Fire Station



CURRENT ISSUES - 1997/1998

The most important issue that has been discussed since the very beginning of the Area Plan process is how to maintain the rural nature of New River. Large-scale development is occurring through out Maricopa County and at the edges of the New River planning area. Even though much of the land in the area remains publicly owned, there is always a chance that it will be purchased for development.

There was a positive response by citizens to maintaining at least 1 du/ac zoning and allowing only that density to be developed in the Plan area. There was also a strong response to change the underlying zoning to 1 du/ 2½ acres. The action is called “downzoning”. The perceived effect would be to allow fewer homes to be built and therefore retain the “rural” nature that the area enjoys. **Figure 13 – Existing Zoning** details zoning in the Plan Area.

Further, citizens responded that they wanted all State Trust land zoning changed to 1du/ 5 acres. Some of this land already is in that zoning category but a large portion is zoned R-43. Due to the rugged nature of a large portion of the land, development is difficult and probably will not occur in the near term.

Citizens expressed their desire that no more development master planned communities be allowed in the planning area. DMPs are seen as contrary to the rural lifestyle that drew the residents to settle in the area in the first place. They would, however, find a DMP acceptable if it complied with the underlying land use and zoning.

Conservation of the existing scenic qualities along I-17 from Carefree Highway to the Yavapai County line also came out as a major issue in this process. This is arguably some of the most pristine Sonoran desert remaining in Maricopa County. Citizens and county officials would like to designate this as a scenic corridor to preserve the views and the natural beauty of the desert.

There was also a similar response to preserving hillsides and mountains, especially Daisy Mountain.

Residential development and the lack of an overall design were issues that were mentioned at every Open House and in the Focus Group sessions. It was agreed that design guidelines were a method for regulating subdivisions and that guidelines for single homeowners would be difficult to enforce.

Another issue was the continued degradation of the area’s equestrian lifestyle. New River is one of the last communities in Maricopa County that continues to have equestrian access to many trails, open range and parks. As development occurs, access to riding trails that is presently taken for granted will be further limited. This has already been experienced in the Desert Hills area and south of Carefree Highway. Maintaining, improving and preserving the connections from trailheads or stables is becoming more important with each update of the Area Plan.



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ISSUE ANALYSIS

Many of the issues that were brought up in previous citizen participation processes were revisited in the 1998 Update process. The following are current issues and recommendations in response to those issues.

Rural Nature

Citizen Responses - Residential Zoning - Privately Owned Land

"If we are going to change the Land Use Plan, then change it to low density. One home to two and half acres. For State Land and BLM Land, one house per five acres. Limit commercial. Keep the Sonoran desert pristine, with lots of open space. "

Changing the existing zoning from 1 dwelling unit per acre to one dwelling unit per 2½ acres would require changing the existing zoning on more than half of all the privately owned land in New River. Downzoning in this case increases the minimum lot size requirements from the existing zoning Rural 43 to 1 dwelling unit per 2½ acres (a zoning category does not exist at this density). The creation of a new zoning category and downzoning existing properties would require approval by Planning and Zoning Commission and Board of Supervisors.

TABLE 11 Land Ownership by Parcel Size

Size	Number	Acres
Less than 1 acre	472	291
1 to 2.5 acres	1,713	2,659
2.5 to 5 acres	1,337	5,285
5 to 10 acres	842	5,513
10 to 20 acres	198	2,204
20 to 40 acres	51	1,512
40 to 80 acres	28	1,564
80 to 160 acres	15	1,522
160 to 640 acres	24	7,937
640 acres or more	2	1,287
Total	4,682	29,774

Source: Maricopa County Planning and Development Department GIS, 1998

Recently passed state regulations (Growing Smarter) require Counties to obtain express written permission from every landowner prior to a downzoning action. It would require public notification of all real property owners and affected neighbors within 300 feet of the proposed changes. No property would be downzoned without the owner's express written agreement. The Maricopa County Comprehensive Plan respects the rights of owners of private property and any changes to zoning regulations in the New River Area Plan would protect the property rights of all citizens.



As shown in **Table 11**, the majority of privately owned land in the planning area is held in 10 acre or less parcels. Current regulations on lot-splits allow for a maximum of five per parcel with a minimum size of one acre. Any number of splits that exceed five would require a subdivision process.

This plan recommends that all R-43 zoning in the New River area remain R-43. A downzoning action is not advised.

Table 11 indicates the general lack of parcels large enough to be developed as DMPs. There are not many, if any, parcels of privately owned land large enough to become developed as a DMP. The largest parcels are owned by the State of Arizona or BLM. A parcel of sufficient size could be purchased from either agency by a developer interested in creating a DMP.

This plan designates a large area for development of land at higher densities and placement of DMPs in the southwestern portion of the planning area (**Figure 1**). The Small Lot Residential designation and large amount of State Trust Land should be sufficient to accommodate this type of development. DMPs, while allowed north of the New River Road Interchange, will need to develop at the overall designated density.

The Small Lot Residential designation in the southwest corner of the plan was developed in cooperation with the State Land Department and the City of Phoenix. The State Land Department owns most of the land in this area. The City of Phoenix includes this area in their General Plan, but has not yet placed a land use designation on it. Phoenix has requested the Small Lot Residential designation and the State Land Department supports it.

Citizen Responses - Public Land Ownership – Zoning

"I am concerned that I will lose access to public lands due to crowded housing and development."

Requirements for downzoning State Trust Land and Bureau of Land Management properties require the same actions be taken as for private land owners. The State Land Department would not to agree with a downzoning action for any portion of their properties. The majority of State Trust Land in the New River area is designated Rural-43 with a portion in the northeast zoned at a density of 1 dwelling unit per five acres or Rural-190. Development rights for state-owned land can not be removed unless the properties are purchased from the agency or otherwise preserved in a manner that protects property rights.

Individual citizens, organized groups, national preservation organizations or developers can pursue conservation programs. Transfer of development rights, cluster development or other land use methods could lessen the impact of development on natural areas and are recommended for preserving the desert. Active efforts to preserve Daisy Mountain should be pursued.



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Preservation of the I-17 corridor for its scenic value is described in this plan. Sporadic commercial development has begun from Carefree Highway to New River Road. Continued commercial development will be encouraged along this alignment. According to citizen responses, this is the most likely place for allowing and expanding commercial development in the planning area. By designating the corridor as commercial scenic, standards similar to those found in the Carefree Highway corridor can be applied.

It is recognized that the frontage road functions differently than the 4-lane Carefree Highway and therefore standards for setback and design are regulated differently. Commercial development within the Neighborhood Retail Center designation at the New River interchange must be developed as Planned Developments. Standards for development in the I-17 Scenic Corridor apply to any commercial project, including those that fall within the corridor but are not designated as commercial in this Plan.

Preservation of the natural aspects of the I-17 corridor north of New River Road represents a chance to give Maricopa County a true scenic corridor. This is the first area a person sees when entering the County and the last when they leave it. Requirements for this portion of the scenic corridor should be more restrictive and seek to maintain the beauty of the desert. Some sections could be developed but at an intensity that would preserve this important visual resource.

Citizen Responses - Private Land Use Development Guidelines

- Building envelopes - for private property owners (small developers or single owners) not just big developers - existing owners grandfathered

- The Plan should provide guidelines to follow

- No red tile roofs

- No pink (out of character) houses

- Desert tones

- Allow a diversity of housing types

- Reduce scarring from development on hillsides

Standards for commercial and residential development could help outline where a use may be placed, how a use relates to its neighbors, its sensitivity to its surroundings, and the physical character of the use. The community may benefit by encouraging cluster development of larger parcels to preserve open space and natural corridors. Transferring density may be used as a tool to preserve natural open space and still keep the gross density at 1 dwelling unit per acre. (see Appendix D for commercial development standards)



Citizen Responses – Trail Access

On June 11, 1998 a focus group session was held to discuss trails in New River. Trails were identified that are widely used by equestrians, hikers, and recreational vehicle users as well as wildlife. The need to protect these trails from development was expressed to preserve the cultural and natural heritage of the area.

Adjacent to the New River planning area are four trail systems. On the west, the Bureau of Land Management has established the Emory Henderson Trail. To the south, the city of Phoenix has its own system of trails. In the southeast there is a trail system in Cave Creek Park. Finally, to the east, the Tonto National Forest has a wide variety of possible trail connections.

It is recommended that designating a trail system primarily in the northern and eastern sections of the planning area will allow for future development and maintain the connections to the nearby trails.³ Citizens and wildlife would be able to travel uninterrupted through a greater area of the desert. Maintaining these trails will preserve two of the characteristics that make New River unique—its rural equestrian lifestyle and the Sonoran desert habitat.

³ The Arizona State Land Department requires a recreational permit for individuals and families or groups to allow use of State Trust lands for non-consumptive and environmentally compatible recreation uses. Information on obtaining a permit may be obtained by calling 542-2119.



Notes

